

REMARKS

This responds to the Advisory Action mailed on January 20, 2010.

Claims 1, 8, 12, 13, 15, 17, 19 and 22 are amended. No claims are canceled or added; as a result, claims 1-23 remain pending in this application.

§ 102 Rejection of the Claims

Claims 1-23 were rejected under 35 U.S.C. § 102(b) as being anticipated by Quinn Able Jacobson (High-Performance Frontends for Trace Processors, 1999, University of Wisconsin – Madison)(hereinafter ‘Jacobson’).

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration.¹ Applicant respectfully submits that the Office Action did not make out a *prima facie* case of anticipation. Jacobson does not teach or disclose each and every element of applicant’s claims because Jacobson does not describe *working sets* as explained Applicant’s previous response. The term working set is explicitly and clearly defined in the written description as follows:

“In a program, a working set $W(t_i, \tau)$ for $i=1,2,\dots$, is a set of distinct memory segments $\{s_1, s_2, \dots, s_{\omega}\}$ accessed over the i^{th} window of size τ . . .”²

Applicant has amended independent claims 1, 8, 12, 13, 15, 17, 19 and 22 to recite this definition in the claim. Applicant can find no teaching of such a “working set” in Jacobson and therefore respectfully requests that the Office reconsider and withdraw this rejection.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant’s representative at (612) 349-9592 to facilitate prosecution of this application.

¹ *In re Dillon* 919 F.2d 688, 16 USPQ2d 1897, 1908 (Fed. Cir. 1990) (en banc), cert. denied, 500 U.S. 904 (1991).

² See Page 3 Lines 5 – 6 of the present application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402--0938
(612) 349-9592

Date July 14, 2010

By Ann M. McCrackin
Ann M. McCrackin
Reg. No. 42,858

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this ~~12th day of August 2009~~ 14 July 2010

John D. Gustav-Wrathall
Name

John D. Gustav-Wrathall
Signature